

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Betty L. Dawson, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Anthony Lauria, Senior Deputy Clerk.

F043493 Fireman's Fund Insurance Co. v. The Superior Court of Fresno County; Farris et al.

Parties stipulate that (1) Vartabedian, J., the absent assigned justice, participate in the determination of this matter, and (2) Vartabedian, J. to listen to the recording of oral proceedings upon his return.

Cause called and argued by Lori Sebransky, Esq., counsel for petitioner and by James Wilkins, Esq., counsel for real party.

Cause submitted.

F043531 Farris et al. v. Fireman's Fund Insurance Co.

Parties stipulate that (1) Vartabedian, J., the absent assigned justice, participate in the determination of this appeal, and (2) Vartabedian, J. to listen to the recording of oral proceedings upon his return.

Cause called and argued by Lori Sebransky, Esq., counsel for appellant and by James Wilkins, Esq., counsel for respondent.

Cause submitted.

The court adjourns.

F042809 People v. Davis

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F042809 People v. Davis

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043151 People v. Perez

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F043151 People v. Perez

The matter is remanded with directions that the trial court strike the conditions of probation requiring completion of a batter's treatment program, payment of a \$200 fee to the domestic violence fund, and payment of fees for probation supervision and other costs in accordance with the Fresno County Master Schedule of Fees. The court is directed to conduct further proceedings to determine the suitability of domestic violence counseling and the appropriateness and amount of probation costs under section 1203.1b as condition of probation. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042317 People v. Garcia

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F042317 People v. Garcia

The judgment is affirmed with modifications. Gomes, J.

We concur: Harris, Acting P.J.; Dawson, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F042811 Siegel et al. v. Anderson Homes, Inc.

The judgment is reversed. Costs are awarded to appellants.
Buckley, Acting P.J.

We concur: Wiseman, J.; Levy, J.

[CERTIFIED FOR PUBLICATION]

F043285 People v. Diaz

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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F043285 People v. Diaz

The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043967 Bakersfield City School Dist. v. Sup. Ct. Kern; The Bakersfield Californian

The judgment is affirmed. The petition for writ of mandate is denied. Dawson, J.

We concur: Ardaiz, P.J.; Vartabedian, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F042113 People v. Costa

The judgment is affirmed. Dibiaso, Acting P.J.

We concur: Cornell, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044213 People v. Long

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

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F044213 People v. Long

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F045350 Crestwood Hospitals, Inc. et al. v. Workers' Compensation Appeals Board
and Rosalinda Ochoa**

The WCAB's "Order Denying Reconsideration" dated March 9, 2004, is annulled and the matter is remanded to the WCAB for further proceedings.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044210 People v. Ferguson

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 30.3, California Rules of Court, it is further ordered that the remittitur issue forthwith.

F045105 People v. Littlejohn

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.